



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Mark Grzan, Council Member	Mark Grzan, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, DECEMBER 15, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 5

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: City of Morgan Hill v. Tanya J. Keppler
Case Number: Santa Clara County Superior Court, Case No. 1-04-CV-016682

3.

EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: U.S. Perma, Inc. v. Stevelle Construction, et al.
Case Number: Santa Clara County Superior 104CV031315

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: In Re Gregory T. Hemming and Kimberley L. Hemming
Case Number: United States Bankruptcy Court, Eastern District of California, Case No. USBC-EDC-2004-20318-B-7

5.

EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: Flooring Solutions Inc. v. Wells Construction et al.
Case Number: 104CV031843

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Retiring Morgan Hill Unified School District Board Members
Del Foster, Jan Masuda and George Panos

Rotary Donations for Paradise Park
John Tarvin, Rotary Club President

INTRODUCTIONS

New Public Works Employees
Director of Public Works Jim Ashcraft

PRESENTATION

Award to City of Morgan Hill for Excellence in Financial Reporting
From Government Finance Officers Association

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-20 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **REVISION TO SUBDIVISION IMPROVEMENT AGREEMENT WITH DEWEY AND CAROLYN KOSICH (APN: 764-32-024)** 1
Recommended Action(s): Authorize the City Manager to Sign the Revised Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.
2. **AMENDMENT TO CONTRACT FOR LEGAL SERVICES** 13
Recommended Action(s):
 1. Authorize the Mayor to Execute an Amendment to Agreement with Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP for Miscellaneous Legal Services; and
 2. Appropriate \$50,000 from Unappropriated General Fund Reserves.
3. **AB1600 DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR 2003/2004** 17
Recommended Action(s): Accept and File the AB1600 Development Impact Fee Report for the 2003-2004 Fiscal Year.
4. **MORGAN HILL LIBRARY – STATUS OF SELECTION OF CONSTRUCTION MANAGEMENT FIRM** 31
Recommended Action(s): Accept Status Report.
5. **AGREEMENT WITH LIVE WIRE, LLC** 33
Recommended Action(s): Authorize the City Manager to do Everything Necessary and Appropriate to Execute and Implement an Agreement with Live Wire, LLC; Including Making Modifications to the Agreement, Subject to Review and Approval by the City Attorney, to Share Sales Tax Revenue Generated by the Project.
6. **ACCEPTANCE OF DONATIONS FOR PARADISE PARK IMPROVEMENTS FROM ROTARY CLUB OF MORGAN HILL** 47
Recommended Action(s): Accept Donation by the Morgan Hill Rotary Club for Improvements to Paradise Park.
7. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9423, MISSION RANCH PHASE V** 49
Recommended Action(s):
 1. Adopt the Resolution Accepting the Subdivision Improvements Included in Tract 9423, Commonly Known as Mission Ranch Phase V; and
 2. Direct the City Clerk to File a Notice of Completion with the County Recorder's Office.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9424, MISSION RANCH PHASE VI</u>	55
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> the Resolution Accepting the Subdivision Improvements Included in Tract 9424, Commonly Known as Mission Ranch Phase VI; and	
	2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
9.	<u>APPLICATION FOR TRANSPORTATION CLEAN AIR FUNDS FOR SOLID WASTE COLLECTION VEHICLES</u>	61
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> the City Manager to Submit an Application to the Bay Area Air Quality Management District (BAAQMD) for Reimbursement of Expenses Incurred by Solid Waste Collection Vehicles (SWCV) Operating Within the City; and	
	2. <u>Authorize</u> the City Manager to Execute a Funding Agreement on Behalf of the City with the Bay Area Air Quality Management District for the Purposes Described Above, If Said Application is approved by BAAQMD; Subject to Review and Approval by the City Attorney.	
10.	<u>APPROVAL OF PURCHASE ORDERS TO U.S. FILTER FOR PERCHLORATE REMOVAL SYSTEMS AT NORDSTROM AND TENNANT WELLS</u>	65
	<u>Recommended Action(s):</u> <u>Authorize</u> Issuance of Purchase Orders to U.S. Filter in the Amount of \$192,300.	
11.	<u>EMERGENCY EXPENDITURE FOR REPLACEMENT OF PUMP AND COLUMN AT BOY'S RANCH WELL #1</u>	67
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> Resolution Declaring the Need for This Emergency Expenditure; and	
	2. <u>Approve</u> Expenditure of \$30,000 for Emergency Purchase and Installation of Replacement Pump and Column at Boy's Ranch Well #1.	
12.	<u>AWARD OF CONTRACT FOR CONSTRUCTION OF BOYS RANCH RESERVOIR #3</u>	71
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Project Plans and Specifications;	
	2. <u>Award</u> Construction Contract to CB&I Constructors, Inc. in the Amount of \$1,403,640;	
	3. <u>Authorize</u> Construction Contingency Funding of \$197,399; and	
	4. <u>Authorize</u> the City Manager to Execute a Consultant Services Agreement with Schaaf & Wheeler for Construction Services in an Amount not to exceed \$120,000; Subject to Review and Approval by City Attorney.	
13.	<u>AUTHORIZE PAYMENT OF THE COST OF THE NOVEMBER 2, 2004 GENERAL MUNICIPAL ELECTION</u>	73
	<u>Recommended Action(s):</u> <u>Authorize</u> Payment in the Amount of \$43,052.00 to the Santa Clara County Registrar of Voters Office of Election Services.	
14.	<u>APPROVAL OF RESOLUTION PROVIDING COMPENSATION FOR CITY OF MORGAN HILL MANAGEMENT AND CONFIDENTIAL EMPLOYEES</u>	79
	<u>Recommended Action(s):</u> <u>Adopt</u> Management Resolution.	
15.	<u>AMENDMENT TO THE CITY OF MORGAN HILL'S RECORDS RETENTION SCHEDULE</u>	87
	<u>Recommended Action(s):</u> <u>Motion to Adopt</u> Resolution Amending the City's Records Retention Schedule.	

Time Estimate Page
Consent Calendar: 1 - 10 Minutes

16.	<u>ADOPT ORDINANCE NO. 1703, NEW SERIES</u>	97
	<u>Recommended Action(s):</u> Waive the Reading, and <u>Adopt</u> Ordinance No. 1703, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1694, NEW SERIES, EXHIBIT B (ALLOWED USES FOR DIGITAL ISLAND VENTURE PROFESSIONAL CENTER) TO ALLOW A MAGNETIC RESONANCE IMAGING FACILITY (APNs 726-25-080 thru -082) (ZA-04-07: DIGITAL – VENTURE PROFESSIONAL CENTER).	
17.	<u>ADOPT ORDINANCE NO. 1704, NEW SERIES, AS AMENDED</u>	103
	<u>Recommended Action(s):</u> Waive the Reading, and <u>Adopt</u> Ordinance No. 1704, New Series, As Amended, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 13.28 (SOLID WASTE COLLECTION AND DISPOSAL) OF TITLE 13 (PUBLIC SERVICES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING GARBAGE CONTAINER PLACEMENT FOR COLLECTION.	
18.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF 12/01/04</u>	107
19.	<u>APPROVE SPECIAL CITY COUNCIL WORKSHOP ON COYOTE VALLEY SPECIFIC PLAN MINUTES OF 12/01/04</u>	109
20.	<u>NOVEMBER 2004 CITY FINANCE & INVESTMENT REPORT</u>	115
	<u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> Report.	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 21

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

21.	<u>NOVEMBER 2004 RDA FINANCE & INVESTMENT REPORT</u>	141
	<u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> Report.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 22

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

22.	<u>APPROVE JOINT REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF 12/01/04</u>	151
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City Council Action (Continued)

CONSENT CALENDAR:

ITEM 23

Time Estimate

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Consent Calendar: 1 - 10 Minutes

23. **EXTENSION OF TIME, EOT-04-08: McLAUGHLIN-SOUTH COUNTY HOUSING**.....171
Recommended Action(s): Adopt Resolution.

City Council Action

PUBLIC HEARINGS:

Time Estimate

Page

24. 5 Minutes **DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-01: TILTON-GLENROCK**.....179
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance.
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)
25. 10 Minutes **ZONING AMENDMENT, ZA-04-18/DEVELOPMENT AGREEMENT, DA-04-07: MONTEREY-SOUTH COUNTY HOUSING**.....191
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Zoning Amendment Ordinance.
Action- **Motion to Introduce** Zoning Amendment Ordinance by Title Only. (Roll Call Vote)

Action- **Motion to Waive** the Reading in Full of Development Agreement Ordinance.
Action- **Motion to Introduce** Development Agreement Ordinance by Title Only. (Roll Call Vote)

Redevelopment Agency Action

PUBLIC HEARINGS:

Time Estimate

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26. 15 Minutes **FIVE-YEAR IMPLEMENTATION PLAN (2004-2009)**.....229
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Adopt** Resolution which Adopts the City of Morgan Hill Redevelopment Agency Five-Year Implementation Plan (2004-2009).

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
27.	30 Minutes	<u>SPORTS COMPLEX CONCEPTUAL MASTER PLAN, PHASE I CONCEPTUAL PLAN AND OPERATIONS FUNDING OPTIONS</u>	259
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> the Master Conceptual Plan, the Phase I Plan, and Program and Cost Estimates;	
		2. <u>Direct</u> Staff to Begin the Process for Architectural Proposals for Design of Phase I Plan;	
		3. <u>Receive</u> the Report from the Parks and Recreation Commission Sub-Committee on the Analysis of Maintenance and Operations Options;	
		4. <u>Direct</u> Staff to Develop a Request for Proposals (RFP) for Private-Public Operator Options with the Recommended Criteria for City Council Consideration; and	
		5. <u>Direct</u> the Parks and Recreation Commission to Develop a Plan on Sponsorships.	
28.	10 Minutes	<u>CABLE PUBLIC ACCESS PROVIDER CONTRACT</u>	307
		<u>Recommended Action(s):</u>	
		1. <u>Authorize</u> the City Manager to Execute an Agreement with the Media Access Coalition of Central California for Public Access Services, Subject to Review and Approval by the City Attorney; and	
		2. <u>Provide Direction</u> to Staff Regarding Obtaining Additional Access Support from Charter Cable.	
29.	10 Minutes	<u>2004-2005 HAZARDOUS VEGETATION PROGRAM</u>	325
		<u>Recommended Action(s):</u> <u>Adopt</u> Resolution Declaring Weeds and Brush to be a Nuisance and Setting January 19, 2005 as the Date for the Public Hearing Regarding Weed Abatement, and June 1, 2005 as the Date for the Public Hearing Regarding Brush Abatement.	
30.	5 Minutes	<u>DOWNTOWN AREA BUILDING ALLOTMENT</u>	329
		<u>Recommended Action(s):</u> <u>Receive</u> Report.	
31.	30 Minutes	<u>BUTTERFIELD NORTH CONNECTION STUDY</u>	337
		<u>Recommended Action(s):</u>	
		1. <u>Receive Presentation</u> of Butterfield North Connection Study by City Consultant, Fehr and Peers, and	
		2. <u>Provide Direction</u> to Staff.	
32.	5 Minutes	<u>ALTERNATE APPOINTMENT TO THE CITY'S 2006-CENTENNIAL PLANNING STEERING COMMITTEE</u>	349
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> Alternate Appointment to the City's 2006-Centennial Planning Steering Committee; and	
		2. <u>Consider</u> Appointment of a Two-Council-Member Subcommittee.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
33.	5 Minutes	<u>SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR</u>	355
		<u>Recommended Action(s):</u>	
		<u>Acting as City Council:</u>	
		1. <u>Open Floor</u> to Nomination(s) for Mayor Pro Tempore; and	
		2. <u>Select</u> Council Member to Serve as Mayor Pro Tempore per City Council Policy.	
		<u>Acting as Redevelopment Agency Board:</u>	
		1. <u>Open Floor</u> to Nomination(s) for Vice-Chair; and	
		2. <u>Select</u> Agency Member to Serve as Vice-Chair per Redevelopment Agency Bylaws.	
34.	10 Minutes	<u>ANNUAL FINANCIAL REPORTS FOR FISCAL YEAR 2003-2004</u>	359
		<u>Recommended Action(s):</u>	
		<u>Acting as City Council:</u>	
		1. <u>Accept</u> and <u>File</u> the Comprehensive Annual Financial Report for the Fiscal Year 2003-2004; and	
		<u>Acting as Redevelopment Agency Board:</u>	
		1. <u>Accept</u> and <u>File</u> the Financial Statements for the Redevelopment Agency for Fiscal Year 2003-2004.	
35.	20 Minutes	<u>DOWNTOWN REQUEST FOR PROPOSALS (RFP)</u>	361
		<u>Recommended Action(s): Take Action/Direct</u> Staff As Appropriate.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT